

FISCAL NOTE

HB 3140 - SB 3296

February 24, 2008

SUMMARY OF BILL: Authorizes the trial court or the Board of Probation and Parole (BOPP) to prohibit an offender who is on probation, parole or community supervision for the commission of an offense that requires the offender to register as a sex offender or a violent sex offender, from using the Internet without written approval and to submit to periodic unannounced examinations of the offender's computer. Requires an offender, who has permission to use the Internet, to install software with monitoring capabilities. Creates a Class E felony for a defendant's failure to comply with ordered Internet access conditions.

ESTIMATED FISCAL IMPACT:

Increase State Revenue - \$4,800/One-Time

Increase State Expenditures - \$48,000/One-Time

\$13,800/Incarceration*

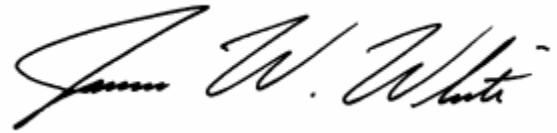
Assumptions:

- Two offenders will be convicted of a Class E felony offense for failure to comply with ordered Internet access conditions and will serve 0.3 years (109.58 days). According to the Department of Correction, the average operating cost per inmate per day of calendar year 2008 is \$62.78. The cost per inmate at 0.3 years is \$6,879.43 ($\62.78×109.58 days). The total additional operating cost for two offenders is \$13,758.86 ($\$6,879.43 \times 2$).
- No significant incarceration cost increase will occur due to population growth in this period.
- According to BOPP, approximately 1,200 of the 2,400 sex offenders under BOPP's supervision have computers and would be required to install monitoring software. The one-time cost of software is \$40 per computer, a total cost of \$48,000. Only 10 percent of offenders will have the financial means to reimburse BOPP for the cost of the software. The increase in state revenue is \$4,800 ($\$48,000 \times 10\% = \$4,800$). The net cost to BOPP will be \$43,200 ($\$48,000 \times 90\% = \$43,200$).
- The bill does not change BOPP's current policy on limiting Internet access.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc